

SUBJECT

cc Marks



bcc Press

legal procedure

10 DOWNING STREET

From the Principal Private Secretary

10 February, 1982

Weekend World Programme  
on Rape

The Attorney General had a word with the Prime Minister this afternoon about the line he should take when he appeared in the forthcoming Weekend World television programme on rape.

He said that he proposed to tackle the issue in three separate stages - the investigation of a complaint of rape, the trial and sentencing. The difficulty he would face in answering questions about investigation was that he could say very little that was new. The Home Office were very chary about appearing to give instructions to Chief Constables. He would like to be able to say that police forces were of course re-acting positively to all the recent public concern about rape cases and the law of rape. On a more detailed point, it would be helpful if he could say that when a woman went to the police with a complaint of rape, she should be given the choice of being seen either by a woman police officer and a woman doctor, if they were available, or by a male police surgeon and male police officers. He would be discussing further with the Home Office precisely what he could say about the investigation stage. As regards the trial stage, he would plainly have to be very careful not to appear to be telling the judiciary what it should do but he thought that he could say that judges should handle rape cases sensitively. Judges were human beings and they read newspapers and watched television like other people. They were fully alive to the present public concern about rape and they would no doubt be re-acting to it in the way they conducted rape trials. His own father had been a High Court judge and he used to go to great pains to put complainants as much at their ease as possible when they were giving evidence. As far as sentencing was concerned, he would take the line that the Lord Chief Justice had dealt with this issue. He was however certain to be asked whether there was not a case for changing the law to allow the prosecution in a rape case to go to appeal with a view to having the sentence increased. In reply he proposed to take the line that this idea had been raised during the second reading of the Criminal Justice Bill

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and that he was now considering it further. But he would point out that there were a lot of objections to it and he would describe some of them. One of them, for example, was that such a change would have to apply not only to rape but to a lot of other offences, and there would almost certainly have to be some way of filtering them such as a requirement that the permission of the Attorney General had to be obtained before an appeal could be instituted. He would add that if there were any question of proceeding with the change, there would need to be very wide consultations before any substantive steps were taken.

The Attorney General went on to say that he would make it clear that the state of the law of rape itself was thought to be generally satisfactory, though he would not claim it was perfect and he would mention the work which the Criminal Law Revision Committee had in hand in this area. He would draw attention to the findings of the Advisory Group on the Law of Rape in 1975 and emphasise that what was needed above all was sensitivity in the way in which both the police and the courts dealt with rape cases. His efforts in this direction would not, however, be made any easier by the article in today's Times.

The Prime Minister said that she thought that the Attorney General's approach to the programme was wholly on the right lines. She agreed that it was very important that he showed himself to be sensitive and sympathetic towards the present public concern. He might find it helpful in this respect to quote what he had said about the way in which his father had dealt with rape cases, since this would give what he said on the programme a personal touch.

Yours ever,

Harold Wilson.

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Attorney General's Office